

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
APPENDIX**





UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

STANLEY WILLIAMS, CHARLES JONES,  
WILBERT DRAUGHN, OTIS WILLIAMS,  
DELTON JONES, PAUL WILLIAMS,  
JAMES RIGGINS, on behalf of  
themselves and all others  
similarly situated,

PLAINTIFFS-APPELLANTS

VS.

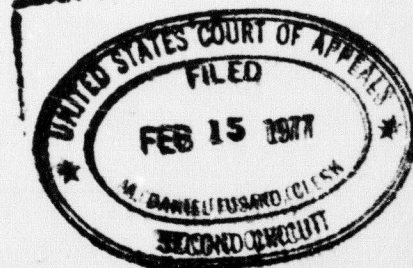
WALLACE SILVERSMITHS, INC.,  
a division of HMW Industries,  
Inc.,

DEFENDANT-APPELLEE

DOCKET NO. 76-7617

APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

## APPENDIX



PAGINATION AS IN ORIGINAL COPY



APPENDIX

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## UNITED STATES DISTRICT COURT

App. 1

Jury demand date: 10/30/74 by defendant.

D. C. Form No. 106 Rev.

## TITLE OF CASE

## ATTORNEYS

For plaintiff:

- (1) Michael Avery  
215 Church Street  
New Haven, Conn. 06510
- (2) Mary Ellen Wynn

STANLEY WILLIAMS, CHARLES JONES,  
WILBERT BRADSHAW, JIM WILLIAMS,  
\* DELTON JONES, PAUL WILLIAMS and  
JAMES RIGGINS, on behalf of  
themselves and all others similarly  
situated  
JESSIE L. JONES, Administratrix of the Estate  
of

vs.

WALLACE SILVERSTEIN, INC. a  
Division of H.M.M. Industries  
Inc.

For defendant:

- (1) John S. McGeeney  
Cummings & Lockwood  
One Atlantic Street  
Stamford, Conn. 06904
- (2) Warren W. Eginton

## STATISTICAL RECORD

## COSTS

DATE  
1975NAME OR  
RECEIPT NO.

REC.

DISR.

J.S. 5 mailed

Clerk

5/24

Korabach  
Williams  
& Avery

17 00

J.S. 6 mailed

Marshal

5/28

Deposit:

G.F.100869

15 00

Basis of Action: Action

Docket fee

12/9

Williams,

claiming unlawful employ-

Witness fees

Avery &amp; Wynn 5 00

ment practices and dis-

(appeal)

rimination, in violation

#55569

of the 1964 Civil Rights Act,

Depositions

2 U.S.C. §2000e et seq. as

mended. \$500,000.00

ULE 23 ALLEGATION.



DATE	PROCEEDINGS	Date Ord Judgment
5/24	(1) Complaint filed. Summons issued.	
5/29	(2) Notice to Clerk, filed.	
5/31	(3) Marshal's Return Showing Service, filed.-Summons & Complaint.	
6/10	(4) Appearance of Atty. John S. McGeeney entered for defendant.	
6/11	(5) Stipulation filed that the time within which the defendant may answer or otherwise move is extended to and including June 30, 1974. Ordered Accordingly. Markowski, C. M-6/12/74. Copies mailed.	
6/25	(6) Appearance of Atty. Warren W. Eginton entered for defendant.	
7/1	(7) Stipulation filed that the time within which the defendant may answer or otherwise move is hereby extended to and including July 15, 1974. Ordered Accordingly. Markowski, C. M-7/1/74. Copies mailed.	
7/15	(8) Motion to Dismiss, Notice of Motion and Memorandum in Support of Motion, filed by defendant.	
7/30	(9) Appearance of Mary Ellen Wynn entered for Plaintiffs Stanley Williams, et al.	
"	(10) Plaintiffs' Memorandum in Opposition to Defendant's Motion to Dismiss, filed.	
8/22	(11) Defendant's Reply Memorandum in Support of Defendant's Motion to Dismiss, filed.	
9/13	(12) Request for Production of Documents, filed by plaintiffs.	
"	(13) Interrogatories to Defendant, filed by plaintiffs.	
9/25	(14) Memorandum of Decision on Defendant's Motion to Dismiss, entered. Defendant's motion may properly be treated as one seeking a determination that the action may not be maintained as a class suit, Fed. R. Civ. P. 23(c)(1). See 3B Moore's Federal Practice § 23.50, text at notes 8, 9. In the absence of any showing that defendant will be prejudiced by postponing the Rule 23(c)(1) determination until discovery has been completed, the motion to deny the designation of the class will be denied without prejudice to renewal after plaintiffs have had a reasonable opportunity to complete class action discovery. Newman, J. M-9/25/74 Copies mailed.	
10/8	(15) Stipulation extending time for defendant to respond to or object to plaintiffs' interrogatories and request for production, to October 28, 1974, filed and Ordered Accordingly. Markowski, C. M-10/8/74 Copies mailed.	
10/30	(16) Answer and Affirmative Defenses and Claim for Jury Trial, filed by defendant.	
"	(17) Answer to Plaintiff's First Interrogatories, filed by defendant.	
10/31	PLACED ON TRIAL LIST	
11/6	(18) Motion for Protective Order, filed by Plaintiffs.	
11/7	Order entered on plaintiffs' Motion for Protective Order, denying same. Newman, J. M-11/7/74. Copies mailed.	
"	(19) Defendant's Application for Sanctions Pursuant to Rule 37(d), filed. Motion endorsed as follows: "Motion Off without prejudice." Newman, J. M-11/7/74. Copies mailed.	
12/4	(20) Request for Further Production of Documents, filed by plaintiffs.	
12/5	(21) Response to Plaintiffs' Request for Further Production of Documents dated 12/3/74, filed by defendant.	
"	(22) Motion for Extension of Time until 1/17/75, to comply with plaintiffs' Request for Further Production of Documents dated 12/3/74, filed by defendant.	

(continued)



DATE	PROCEEDINGS	Date Order Judgment No
1/3	Order entered on defendant's Motion for Extension of Time until 1/17/75 to comply with request for further production of documents, granting same. Newman, J. M-1/3/75. Copies mailed.	
4/21	Suggestion of Death of Delton Jones, a plaintiff in case, on December 24, 1974, filed by Jessie L. Jones, Administratrix.	
7/4	Stipulation that Jessie L. Jones, Administratrix of the Estate of Delton Jones, be substituted as a representative of her late husband, a party in the a party, filed and Ordered accordingly. Markowski, C. M-7/4/75 Copies mailed.	
5/6	Interrogatories of Defendant Addressed To Plaintiff James Riggins, filed.	
"	Interrogatories of Defendant Addressed To Plaintiff Charles Jones, filed.	
"	Interrogatories of Defendant Addressed To Plaintiff Wilbert Draughn, filed.	
"	Interrogatories of Defendant Addressed To Plaintiff Delton Jones, filed.	
"	Interrogatories of Defendant Addressed To Plaintiff Otis Williams, filed.	
"	Interrogatories of Defendant Addressed To Plaintiff Stanley Williams, filed.	
"	Interrogatories Of Defendant Addressed To Plaintiff Paul Williams, filed.	
7/7	Motion for extension of time filed by the plaintiffs.	
7/18	Stipulation within which the Plaintiffs may respond to Defendant's Interrogatories or otherwise move is extended to and including July 31, 1975 So Ordered Accordingly (Markowski, C.) M-7/18/75, Copies mailed.	
7/25	Notice of deposition of George Denya to take place on August 21, 1975 at 10:00 A.M. filed by the plaintiff.	
8/5	Plaintiff's Motion for Extension of Time filed 7/7/75 "Marked Off as mooted by stipulation dated 7/10/75 and filed herein on 7/18/75. (Latimer, M.) M-8/6/75. Copies Mailed.	
8/26	Notice of deposition of George Denya on 9/9/75 at 10:00 A.M.	
8/26	Plaintiff's Motion for Further Production of Documents filed.	
9/2	Defendant's Motion for Protective Order, filed. Order entered thereon as follows: "Motion Denied, without prejudice to Renewal after next session of Deposition if inconvenience or discomfort of Court Reporter is reflected in letter or other complaint of reporter." Newman, J. M-9/2/75 Copies mailed.	
"	Affidavit of Warren W. Eginton, filed.	
7/8	Consolidated Answer of all named plaintiffs to defendant's interrogatories filed.	
9/22	Defendant's Response to Plaintiffs' Motion for Further Production of Documents, filed.	
9/23	Plaintiff Motion for Further Production of Documents endorsed as follows: "Motion" off without prejudice to any necessary proceedings hereafter pursuant to Rule 37, F.R.C.P." Latimer, U.S. Mag. M-9/23/75 Copies mailed.	
10/20	Motion for Further Production of Documents filed by plaintiff.	
7/21	Protective Disclosure Stipulation regarding material delivered to plaintiffs' counsel which includes personal files of persons	

BEST COPY AVAILABLE



DATE	PROCEEDINGS	Date of Judgment
1975	not parties to this litigation and which can be be treated as confidential, etc., filed. So Ordered. Newman, J. M-11/11/76. copies mailed.	
6/23	Plaintiffs' Preliminary Memorandum In Support of Motion For Class Action Certification filed.	
"	Motion for Class Action Certification filed.	
"	Affidavit of Mary Ellen Wynn filed.	
7/9	Defendant's request for an extension of time in which to file a memorandum in opposition to plaintiff's class action filed and endorsement entered thereon: "Request for Extension GRANTED" (Newman, J.) M-7/9/76. copies mailed.	
8/2	Defendant's memorandum in opposition to plaintiffs' motion for a class action certification filed.	
8/2	Affidavit of Eugene P. Barler filed.	
8/2	Affidavit Warren W. Eginton filed.	
8/25	Chambers Conference held. Newman, J.	
10/12	Request for further production of documents filed by plaintiff.	
10/15	Plaintiffs' memorandum in opposition to defendant's motion to dismiss and plaintiffs' reply memorandum in support of plaintiffs' motion for class certification filed.	
"	Plaintiffs' second interrogatories to defendant filed.	
10/28	Plaintiffs' third interrogatories to defendant filed.	
11/1	Brief in support of motion to compel filed by plaintiff.	
"	Motion for order compelling discovery filed by plaintiff.	
11/8	Plaintiffs' revised second interrogatories to defendant filed.	
11/11	Ruling on motion for class action certification filed: "The Motion for class action certification is denied. Defendant's renewed motion to dismiss is likewise denied, since the matter raised by that motion have been disposed of by the class action motion. Newman, J. M-11/11/76. copies mailed.	
11/22	Motions to alter interlocutory order and to permit certification of interlocutory appeal filed.	
11/29	Ruling on Plaintiffs' Rule 37 Motion as follows: "Accordingly, it is hereby ORDERED (1) that defendant produce within 20 days the employee files identified in paragraphs 14 and 15 of plaintiffs' request for further production of documents, dated December 3, 1974, and (2) that the items produced are subject to the disclosure limitations of the Protective Order filed February 20, 1976. Newman, J. M-11/30/76. copies mailed.	
12/3	Brief in support of motions to amend interlocutory order and to permit certification of interlocutory appeal filed.	
12/6	Plaintiffs' Motion to Toll The Running Against Them of All Time Periods Pending Appeal of Class Certification Denial filed.	
12/9	Notice of appeal filed by plaintiffs. Copy mailed to U.S.C.A. accompanied by copy of docket entries. Copies sent to all counsel of record.	
12/10	Stipulation between parties for an extension of time to December 17, 1976 in which defendant may file a brief in opposition to pending motions herein, and the time within which the defendant may respond or object to the plaintiffs' second and third set of interrogatories to December 17, 1976 filed and "Ordered Accordingly" Markowski, C. M-12/10/76. copies mailed.	



FILED

MAY 24 11 33 AM '74

U.S. DISTRICT COURT  
NEW HAVEN, CONN.UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STANLEY WILLIAMS, CHARLES )  
 JONES, WILBERT DRAUGHN, )  
 OTIS WILLIAMS, DELTON JONES, )  
 PAUL WILLIAMS, and JAMES )  
 RIGGINS, on behalf of themselves )  
 and all others similarly situated, )  
 PLAINTIFFS )

VS. )

CIVIL ACTION NO. \_\_\_\_\_

WALLACE SILVERSMITHS, INC., )  
 a Division of H. M. W. Industries, )  
 Inc. )  
 DEFENDANT )

1. This is a class action for money damages and equitable relief against Wallace Silversmiths, Inc. It is alleged that the said corporation discriminated against the plaintiffs and the members of their class on the ground of race in employment, in that its policies of recruiting, hiring, training, assigning, transferring, promoting and compensating employees deny to them equal opportunity in employment. These acts of discrimination are in violation of Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e et seq., as amended by Public Law 92-261 (March 24, 1972), as hereinafter more fully appears.

2. Jurisdiction of this Court is invoked pursuant to 42 U.S.C. §2000e-5(f)(3), 42 U.S.C. §1981 and 28 U.S.C. §§1337 and 1343.

3. Plaintiffs Stanley Williams, Charles Jones, Wilbert Draughn, Otis Williams, Delton Jones, Paul Williams and James Riggins are persons claiming to be aggrieved and are expressly authorized to bring this action by 42 U.S.C. §2000e-5(f)(1).



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4. This suit is a class action by Plaintiffs on their own behalf and on behalf of all other similarly situated persons, pursuant to Rule 23 of the Federal Rules of Civil Procedure. The class represented by Plaintiffs consists of all black persons who have suffered or will in the future suffer from the pattern of discrimination set forth herein. There are common questions of law and fact affecting all members of the class. The class is fairly and adequately represented by the Plaintiffs herein.

5. Defendant Wallace Silversmiths, Inc. is a Connecticut corporation doing business in Connecticut, and maintaining a place of business in Wallingford, Connecticut, and is a division of H.M.W. Industries, Inc.

6. The Defendant is an "employer" within the meaning of 42 U.S.C. §2000e(b), as amended, continuously employing 15 or more persons and engaging in an industry affecting commerce.

7. The unlawful employment practices alleged below were and are now being committed in the State of Connecticut.

8. Plaintiffs filed charges with the State of Connecticut Commission on Human Rights and Opportunities more than 240 days prior to the institution of this suit. Such complaint has not been adjusted to their satisfaction.

9. Plaintiffs filed charges with the Equal Employment Opportunity Commission more than 180 days prior to the institution of this suit.



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10. On February 28, 1974, said Equal Employment Opportunity Commission issued a Notice of Right to Sue within 90 days to each Plaintiff, which were received by Plaintiffs thereafter, copies of which are attached to this Complaint and made a part hereof.

11. All conditions precedent to the institution of suit have been fulfilled.

FIRST COUNT

12. Defendant has maintained and continues to maintain a system and policy of recruiting, hiring, training, assigning, transferring, promoting and compensating employees, and carries out other employment practices, which unlawfully deprive black persons of equal employment opportunities because of their race in violation of 42 U.S.C. §2000e et seq., as amended.

13. Defendant unlawfully has employed and continues to employ a disproportionately low number of black persons in all positions, and employs a particularly disproportionate number of white persons, greatly in excess of their proportion of the general population and of the population of employees in this corporation, in positions of greater remuneration, responsibility and status.

14. The named Plaintiffs have all been employed by the Defendant for substantial periods of time.

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15. Throughout their employment, the Defendant has refused to promote Plaintiffs and other members of their class according to the standards applied to white employees, and in fact has granted promotions to white employees with less qualifications and experience than Plaintiffs and members of the class, while failing to grant such promotions to the Plaintiffs and members of their class.

16. As a result of the failure of the Defendant to grant such promotions, the Plaintiffs and members of their class have been forced to work under different conditions than white employees, and have been discriminated against with respect to remuneration, responsibility, status and other terms and conditions of employment solely on the grounds of their race.

SECOND COUNT

17.-21. Paragraphs 12 through 16 of the First Count are hereby incorporated herein by reference and made Paragraphs 17-21 of this Second Count.

22. The aforesaid discrimination by Defendant against Plaintiffs and members of their class deprives Plaintiffs and members of their class of the same right to make and enforce contracts, and of the same right to full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens.



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23. As a result of the aforesaid acts and omissions of Defendant, Plaintiffs and members of their class have suffered great financial loss, have been denied the equal status, respect and dignity which Defendant accords to white persons, have suffered great mental stress and emotional injury and have been forced to wear a continuing badge of slavery.

WHEREFORE, the Plaintiffs claim:

1. THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS damages reflecting back pay and lost wages, with interest from the dates when said sums were due, for the named Plaintiffs and members of their class;

2. TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS punitive damages;

3. An injunction permanently enjoining Defendant, its officers, agents, employees, successors, assigns and all persons in active concert or participation with them from engaging in any employment practices which discriminate because of race;

4. An order requiring Defendant to institute and carry out policies, practices and affirmative action programs which provide equal employment opportunities for black persons and which eradicate the effects of Defendant's past unlawful employment practices;

5. Attorneys' fees and the costs of this action;

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6. Such other and further relief as this Court deems necessary  
and proper.

STANLEY WILLIAMS, CHARLES JONES,  
WILBERT DRAUGHN, OTIS WILLIAMS,  
DELTON JONES, PAUL WILLIAMS, and  
JAMES RIGGINS, PLAINTIFFS

BY: \_\_\_\_\_

Michael Avery  
265 Church Street  
New Haven, Connecticut 06510  
Tel. 203-562-9931

Their Attorney

Dated: May 23, 1974



UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STANLEY WILLIAMS, ET AL,	)	CIVIL NO. N-74-125
	)	
V.	)	Defendant Claims Trial
	)	By Jury
WALLACE SILVERSMITHS, INC.,	)	
A Division of H.M.W.	)	
Industries, Inc.	)	October 28, 1974

ANSWER AND AFFIRMATIVE DEFENSES

Defendant herein makes the following Answer and Affirmative Defenses to Plaintiff's Complaint herein.

ANSWER

1. Denied as stated. Admitted that this purports to be a class action for money damages and equitable relief against Wallace Silversmiths, Inc.

2. Denied as stated. Admitted that Plaintiffs seek to invoke the jurisdiction of this Court pursuant to 42 U.S.C. §2000e-5(f)(3), 42 U.S.C. §1981 and 28 U.S.C. §§1337 and 1343.

3. Denied as stated. Admitted that Plaintiffs are persons claiming to be aggrieved, but denied that they are aggrieved or that they are expressly authorized to bring this action by 42 U.S.C. §2000e-5(f)(1).

4. Denied as stated. Admitted that Plaintiffs purport to bring this suit as a class action seeking to represent "all black



persons who have suffered or will in the future suffer from the pattern of discrimination set forth" in the complaint.

5. Admitted.

6. Admitted.

7. Denied as stated. Admitted that acts taking place at Defendant's place of business in Wallingford, Connecticut constitute acts committed in the State of Connecticut.

8. Denied.

9. Admitted.

10. Admitted.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied as stated. The Defendant emphatically denies any discrimination against blacks, and notes the existence of an affirmative action program under which Defendant is seeking to enlarge the number of minority group members at all levels.

16. Denied.

17-21. The answer to paragraphs 12-16 are hereby incorporated herein by reference and made paragraphs 17-21 of this Answer.

22. Denied.

23. Denied.



FIRST AFFIRMATIVE DEFENSE

Plaintiff failed to file a timely claim embracing the subject matter of this suit with either the Equal Employment Opportunity Commission created under Title 42 of the U.S. Code, or the Connecticut Commission on Human Rights and Opportunities, and thereby failed to exhaust or utilize available administrative remedies. As a result of the foregoing, this Court lacks subject matter jurisdiction over this case, and Plaintiffs are not entitled to relief on any of the claims alleged in their complaint.

SECOND AFFIRMATIVE DEFENSE

This action is barred in whole or in part by the applicable statute or statutes of limitation.

THIRD AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff may not maintain an action herein under 42 U.S.C. §1981 for the reason that any cause of action for employment discrimination which may have existed under any of those provisions was preempted by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.

FIFTH AFFIRMATIVE DEFENSE

The plaintiffs lack standing to raise certain of the claims which are raised in the complaint.

ADDITIONAL AFFIRMATIVE DEFENSES DIRECTED TO THE MAINTAINABILITY OF THIS ACTION AS A CLASS ACTIONSIXTH AFFIRMATIVE DEFENSE

This action may not be maintained as a class action because the purported "class" which plaintiff seeks to represent is too vague and uncertain.

SEVENTH AFFIRMATIVE DEFENSE

This action may not be maintained as a class action for the reason that Plaintiffs' complaint fails to satisfy the requirements for maintenance of a class action set forth under Rule 23 of the Federal Rules of Civil Procedure. In particular, though without limitation, there is no problem of impracticability in seeking to join any other person who believes that he has a claim against the Defendant and seeks to vindicate the same; there are not questions of law or fact common to all members of the purported class which the Plaintiffs seek to represent; or any modification of said class; there are no "typical claims" nor are Plaintiffs' claims "typical of any other claims within the purported class which Plaintiffs seek to represent, or any modification thereof; the Plaintiffs will not fairly and adequately represent the class which they purport to



define and represent, or any modification thereof; there is no risk of inconsistent adjudication; there is no appropriate final injunctive relief or corresponding declaratory relief which would be available on grounds generally applicable to the class as a whole; and the relief sought is otherwise inconsistent with the invocation of Rule 23(b)(2) of the Federal Rules of Civil Procedure questions of law or fact common to members of the class do not predominate over any questions affecting only individual members and a class action is not superior to other available methods for the fair and efficient adjudication of the controversy.

THE DEFENDANT

By 

Warren W. Eginton  
Its Attorney  
Cummings & Lockwood  
855 Main Street  
Bridgeport, Connecticut

CLAIM FOR TRIAL BY JURY

The Defendant claims a trial by jury.

THE DEFENDANT

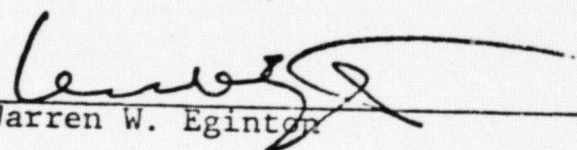
By 

Warren W. Eginton  
Its Attorneys  
Cummings & Lockwood  
855 Main Street  
Bridgeport, Connecticut 06604

CERTIFICATION

This is to certify that a copy of the foregoing was hand-delivered this day to Mary Ellen Wynn, attorney for Plaintiffs, at her office at 265 Church Street, New Haven, Connecticut.

Dated this 28th day of October, 1974.

  
Warren W. Eginton



UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STANLEY WILLIAMS, ET AL.,	)	
PLAINTIFFS	)	
	)	
VS.	)	CIVIL ACTION NO. N-74-125
	)	
WALLACE SILVERSMITHS, INC.,	)	
A DIVISION OF HMW INDUSTRIES, INC.,	)	
DEFENDANT.	)	

MOTION FOR CLASS ACTION CERTIFICATION

Plaintiffs move the Court to certify the action as a class action pursuant to Rule 23(b) (2) and/or (b) (3) of the Federal Rules of Civil Procedure, and represent in support thereof the following:

1. The class consists of all black persons currently employed by defendant; all black persons employed by the defendant since July 2, 1965, but not currently so employed; all black persons who will be employed by the defendant in the future; all black persons who applied for employment with the defendant on or after July 2, 1965 but were denied employment; and all black persons deterred or prevented from applying for employment with the defendant because of the defendant's failure to recruit or hire black persons.

2. The class is so numerous that joinder of all members is impracticable. An affidavit of plaintiffs' counsel is submitted herewith in support of this claim (Exhibit A).

3. There are questions of law or fact common to the class.
4. The claims or defenses of the representative parties are typical of the claim or defenses of the class.
5. The representative parties will fairly and adequately protect the interests of the class. An affidavit of plaintiffs' counsel is submitted herewith in support of this claim (Exhibit A). In addition, copies of plaintiffs' sworn EEOC complaints filed in 1972 are submitted as Exhibits B through H.
6. The defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive or declaratory relief with respect to the class as a whole.
7. The questions of law and fact common to the members of the class predominate over any questions affecting only individual members and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

A memorandum of law is submitted herewith in support of the conclusions of law asserted in this motion.

WHEREFORE, plaintiffs pray that this Court designate this action a Rule 23(b) (2) and/or (b) (3) class action and make such orders pursuant to Rule 23(c) and (d) as the Court deems appropriate.

THE PLAINTIFFS,

BY

Mary Ellen Wynn  
Williams, Avery and Wynn  
265 Church Street  
New Haven, Connecticut 06510  
Tel. 203-562-9931



◇ CERTIFICATION

This is to certify that a copy of the foregoing was mailed, postage prepaid, to WARREN W. EGINTON, ESQ., ONE ATLANTIC STREET STAMFORD, CONNECTICUT on June 15, 1976.

\_\_\_\_\_  
Attorney at Law

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

STANLEY WILLIAMS, ET AL.,  
PLAINTIFFS

VS.

WALLACE SILVERSMITHS, INC.  
A DIVISION OF HMW INDUSTRIES, INC.,  
DEFENDANT

CIVIL ACTION NO. N-74-125

AFFIDAVIT

STATE OF CONNECTICUT :

ss. New Haven

June , 1976

COUNTY OF NEW HAVEN :

Mary Ellen Wynn, having been duly sworn, hereby deposes and says:

1. I am the attorney for the named plaintiffs in the above-entitled action and I seek to represent the class of plaintiffs described in the Motion for Class Action Certification filed herewith.

2. I believe that I can effectively represent the named plaintiffs and the class to be certified in this matter.

3. I am experienced in Title VII and other employment discrimination litigation; currently I represent plaintiffs in the following matters: Civil Action Nos. N-75-272, N-75-276, B-75-310, N-75-253, N-75-211, N-76-147, H-76-167 and H-76-\_\_\_ (filed 6-9-76), in addition to the present matter. Of these, five have been filed as class actions.



- 2 -

4. Through personal inspection of the personnel files of the defendant containing all application forms on file, in addition to my inspection of other company files, material produced in response to several Motions to Produce and informal demands for documents and data, and a deposition of the defendant's Personnel Manager lasting some six days, I have compiled the following list of potential class members:

APPLICANTS FOR POSITIONS AT WALLACE SILVERSMITHS

<u>Date of Application</u>	<u>Name of Applicant</u>
2-28-72	Clarence Brooks
2-23-72	William Burden
2-28-72	Philip Carr
8-28-73	James Davis
1-17-72	Jimmie Davis
6-14-72	Ralph Day
9-14-72	Charles Grace
10-21-71	Robbie Graves
8-3-73	Edward Green
5-25-72	Horace Green
5-25-72	Mary Eliz Green
10-2-73	Robert Hayward
6-14-72	Flossie Henderson
2-12-73	Johnny Hicks
3-23-72	Robert Holmes

- 3 -

Date of ApplicationName of Applicant~~8-7-72~~

James Johnson

9-13-72

Robert Jordan, Jr.

5-16-72

Lessie McGirt

6-14-72

Florrie North

8-31-72

David Parker

9-13-72

Albert Payne, Jr.

9-19-72

Ray Rich

1-27-72

Maurice Tompkins

7-28-72

John Turner

1-10-73

Norman Warner

3-16-73

Mary Watkins

8-8-73

Biz Ann Williams

1-12-72

Laverne Williams

8-23-71

Janice Wilson

4-25-72

Alicia Winns

1-8-72

Estoria Winson

1-17-73

Gene Blair

5-21-73

Anne Mae Inman

11-16-72

Charles Harris

6-12-72

Curtis Rawls

3-23-72

Louis Wade, Jr.

6-18-73

Booker T. Williams

2-16-72

Doreen Wilson



- 4 -

Date of ApplicationName of Applicant

8-2-71

Dorothy Wilson

12-27-73

Irvin Inman

circa 1970

Virginia Jones

6-12-72

Randolph Coppage

Summer 1974

Sterling Shanklin

5-21-73

Diane Scott

Summer 1974

Tally Scott

1970-71

Norwood Williams

FORMER EMPLOYEES\*NameDate of Separation

Calvin Fields

5-28-74

Mitchell Portee

5-2-74

Thelma Shanklin

8-23-74

Riy C. Forrest

2-1-74

Stanley Howell

9-26-74

John L. Fields

6-30-71

Robert McBurrows

6-28-71

Baronelle Gilliams

7-27-72

Andrew Proto

6-21-74

Nancy Lee Benjamin

12-27-73

Johnny Wallace

9-12-73

Leonard B. James

11-8-73

Raymond Kirby

1-24-72

<u>Name</u>	<u>Date of Separation</u>
Alvin Shelton	4-26-74
Leory S. Thomas	1-22-74
William Vaughn	12-3-71
Peter Wilson	8-10-71
Michael Tomkins	8-16-73
Dexter Thomas	8-3-74
Willie Elbert	3-30-73
Stanley Williams	12-14-73
Delton Jones	12-24-74

PRESENT EMPLOYEES\*\*

<u>Name</u>
Charles Jones
James Riggins
Otis Williams
Paul Williams
Wilbert Draughn

\* List does not include the names of at least 10 black persons who worked for Paul A. Straub Co., a now-defunct subsidiary of HMW Industries, Inc. whose EEO employment statistics were gathered and submitted by Wallace together with and on the same forms as Wallace's. Plaintiffs reserve the right to claim these individuals as members of the class after further depositions of Company officials are taken.

\*\* Plaintiffs' counsel has been informed by defendant's counsel that several other black persons have recently been hired by the Company. They, of course, and any other newly-hired employees are properly members of the class.



Dated at New Haven, Connecticut this 16th day of June, 1976

Mary Ellen Wynn

Subscribed and sworn to before me, this 16th day of June, 19

Commissioner of the Superior Court





## CHARGE OF DISCRIMINATION

App. 27

(If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.)

This form is to be used only to file a charge of discrimination on RACE, COLOR, RELIGION, SEX, or NATIONAL ORIGIN.

Case File No. TEJ2-0218

(PLEASE PRINT OR TYPE)

AMENDED

1 Your Name (Mr., Mrs., Miss) Mr. Paul Williams Phone Number 387-3231  
indicate

Street Address 336 Wilnot RoadCity New HavenState ConnecticutZip Code 06511

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)

Race or Color ☐Religious Creed ☐National Origin ☐Sex ☐

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or approval ship committee. If more than one, list all.

Name Wallace SilvernithsStreet address Quinnipiac StreetCity WallingfordState ConnecticutZip Code 06492

AND (other parties if any)

4 Have you filed this charge with a state or local government agency?

Yes ☒When October 20 1971  
MONTH DAY YEAR

No

5 If your charge is against a company or a union, how many employees or members?

Under 25 ☐Over 25 ☒6 The most recent date on which this discrimination took place: Month Continuing Day 13 Year 1971

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)

I believe that Respondent discriminates in hiring, recruitment, promotions, and placement of Negroes in violation of Title VII of the Civil Rights Act of 1964, as amended.

8 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date 11/13/71Paul E Williams  
(Sign your name)

Subscribed and sworn to before me this

13

day of

November

1971

Maria N. Alexander  
(Signature)E.E.O. Officer  
(Title)

If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will then get the form sworn to.

# CHARGE OF DISCRIMINATION

(If you file a complaint, fill in this ) and mail it to the Equal Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.

This form is to be used only to file a charge of discrimination on RACE, COLOR, RELIGION, SEX, or NATIONAL ORIGIN.

App. 28

Case File No. TS02-0219

(PLEASE PRINT OR TYPE) ATTENDED

1 Your Name (Mr., Mrs., Miss) Mr. James Riggins Phone Number 562-0431  
Indicate

Street Address 17 Hilton Street  
City New Haven State Connecticut Zip Code 06514

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)

Race or Color ☒ Religious Creed ☐ National Origin ☐ Sex ☐

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or apprenticeship committee. If more than one, list all.

Name Wallace Silversmiths  
Street address Quinnipike Street  
City Wallingford State Connecticut Zip Code 06492

AND (other parties if any)

4 Have you filed this charge with a state or local government agency?

Yes ☐ When October 20 1971 No ☐  
MONTH DAY YEAR

5 If your charge is against a company or a union, how many employees or members?

Under 25 ☐ Over 25 ☐

6 The most recent date on which this discrimination took place: Month Continuing Day 13 Year 1972

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)

I believe that Respondent discriminates in hiring, recruitment, promotions, and placement of Negroes in violation of Title VII of the Civil Rights Act of 1964, as amended.

8 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date 11/13/72 James Riggins  
(Sign your name)  
Subscribed and sworn to before me this 13 day of November 195 72  
Maria K. Alexander EEO Officer  
(Name) (Title)

If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will then get the facts sworn to.



# CHARGE OF DISCRIMINATION

(If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.)

This form is to be used only to file a charge of discrimination on RACE, COLOR, RELIGION, SEX, or NATIONAL ORIGIN.

App. 29

Case File No. TE02-0213

(PLEASE PRINT OR TYPE)

1 Your Name (Mr., Mrs., Miss) Mr. Stanley Williams Phone Number 865-37

Street Address 227 Bright Street  
City New Haven State Connecticut Zip Code 06511

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)

Race or Color ☒ Religious Creed ☐ National Origin ☐ Sex ☐

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or apprenticeship committee. If more than one, list all.

Name Wallace Silversmiths

Street address Quinnipike Street

City Vallingford

State Connecticut

Zip Code 06192

AND (other parties if any)

4 Have you filed this charge with a state or local government agency?

Yes ☒

When October

20

1971

5 If your charge is against a company or a union, how many employees or members?

Under 25 ☐

Over 25 ☒

6 The most recent date on which this discrimination took place: Month Continuing Year 1972

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)

I believe that Respondent discriminates in hiring, recruitment, promotions, and placement of Negroes in violation of Title VII of the Civil Rights Act of 1964, as amended.

8 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date Nov. 13, 1972 Stanley L. Williams

Subscribed and sworn to before me this

13

day of

November

197

Maria K. Alexander

EEO Officer

If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will get the form sworn to.

# CHARGE OF DISCRIMINATION

App. 30

If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.

This form is to be used only to file a charge of discrimination on RACE, COLOR, RELIGION, SEX, or NATIONAL ORIGIN.

Case File No. 1002-0215

(PLEASE PRINT OR TYPE)

ATTENDED

1 Your Name (Mr., Mrs., Miss) W. Gilbert Drayton Phone Number 775-52

Street Address 68 Warner Street  
City Hamden State Connecticut Zip Code 06514

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)

Race or Color ☐ Religious Creed ☐ National Origin ☐ Sex ☐

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or apprenticeship committee. If more than one, list all.

Name Wallace Silverman  
Street address Quindipike Street  
City Wallingford State Connecticut Zip Code 06492

AND (other parties if any)

4 Have you filed this charge with a state or local government agency? Yes ☒ When October 20 1971 No ☐  
MONTH DAY YEAR

5 If your charge is against a company or a union, how many employees or members? Under 25 ☐ Over 25 ☐

6 The most recent date on which this discrimination took place: Month January Year 1972

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)  
I believe that Respondent discriminates in hiring, recruitment, promotions, and placement of Negroes in violation of Title VII of the Civil Rights Act of 1964, as amended.

8 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date 11/13/1972 W. Gilbert Drayton (Sign your name)

Subscribed and sworn to before me this 13 day of November 195 72

Harie N. Alexander (Name) EEO Officer (Title)

If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will let you get the form sworn to.



# CHARGE OF DISCRIMINATION

App. 31

(If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.)

This form is to be used only to file a charge of discrimination on RACE, COLOR, RELIGION, SEX, or NATIONAL ORIGIN.

Case File No. 1002-0216

(PLEASE PRINT OR TYPE)

AMENDED

1 Your Name (Mr., Mrs., Miss) Mr. Otis Williams Indicate Phone Number 389-6172

Street Address 24 Fock Creek Road

City New Haven

State Connecticut

Zip Code 06515

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)

Race or Color ☒

Religious Creed ☐

National Origin ☐

Sex ☐

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or apprenticeship committee. If more than one, list all.

Name Wallace Silvergriths

Street address Guinnipike Street

City Hallingsford

State Connecticut

Zip Code 06422

AND (other parties if any)

4 Have you filed this charge with a state or local government agency?

Yes ☐

When October

20

1971

No

MONTH

DAY

YEAR

5 If your charge is against a company or a union, how many employees or members?

Under 25 ☐

Over 25 ☐

6 The most recent date on which this discrimination took place: Month

Continuing

Day

Year

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)

I believe that Respondant discriminates in hiring, recruitment, promotions, and placement of Negroes in violation of Title VII of the Civil Rights Act of 1964, as amended.

8 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date 11/13/72

Otis Thurman Williams  
(Sign your name)

Subscribed and sworn to before me this

13

day of

November

1972

Maria N. Alexander  
(Typed name)

EEO Official  
(Typed name)

If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will help to get the form sworn to.

## CHARGE OF DISCRIMINATION

App. 32

(If you have a complaint, fill in this form and mail it to the Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.)

This form is to be used only to file a charge of discrimination on RACE, COLOR, RELIGION, SEX, or NATIONAL ORIGIN.

Case File No. TH02-0217

(PLEASE PRINT OR TYPE)

AMENDED

1 Your Name (Mr., Mrs., Miss) Mr. Dalton JonesPhone Number 787-6Street Address 536 SAW MILL RD.City WEST HAVENState CONN

Zip Code

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)

Race or Color ☒Religious Creed ☐National Origin ☐Sex ☐

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or apprenticeship committee. If more than one, list all.

Name Wallace SilversmithsStreet address Quinnipike StreetCity WallingfordState ConnecticutZip Code 06492

AND (other parties if any)

4 Have you filed this charge with a state or local government agency?

Yes ☒When October

20

1971

No ☐

MONTH

DAY

YEAR

5 If your charge is against a company or a union, how many employees or members?

Under 25 ☐Over 25 ☒6 The most recent date on which this discrimination took place: Month Continuing Year

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)

I believe that Respondent discriminates in hiring, recruitment, promotions, and placement of Negroes in violation of Title VII of the Civil Rights Act of 1964, as amended.

8 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date Nov 13, 1972Dalton Jones

(In your name)

Subscribed and sworn to before me this

13

day of

November

1972

Marie A. Coleman

(Print name)

E. C. O. Officer

(Title)

If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will help you get the form over to us.



Q How about Mr. Long; did Mr. Long ever comment to you?

A I don't remember him saying anything about talking.

Q How about Mr. Godo?

A I don't remember whether he did.

Q Now, you were not aware that Mr. Malavesi would have access to supervisory comments on you of prior supervisors?

A No.

Q So if they had anything to do with his appraisal of you, you had no indication of that?

A No, I did not.

Q Are there any other things other than the ones you've mentioned that indicated to you a negative feeling of Mr. Malavesi toward you as a troublemaker?

A Well, most of the time it was the attitude about high earnings.

Q High earnings?

A Yes, among us in the department.

Q Your department, referring now to the hand buffing department in holloware where you had eleven people whom we decided had relatively high earnings in relation to other departments at Wallace; is that not the fact?

A Right.

Q You still do?

A Right.

Q Now, is that because of piecework?

A As far as I know, I think it's because of piecework.

Q If you were to become a supervisor, as Mr. Malavesi was, is it not the fact that you would take a reduction in your pay?

A Right.

Q And I take it from what you're saying, Mr. Malavesi acted toward you in such a way as to lead you to feel that his hostility in part was based upon his knowledge that you were making more money than he was?

A No, I didn't say that.

Q That was a long, complicated question I just put to you, so why don't you tell me what you had in mind when you brought up this question about the different earnings in pay as affecting Mr. Malavesi in your relationship.

A It seemed as though the department's high earnings -- that put them in a position where they're supposed to work all the time and never stop because we were making high earnings.

Q Now, you'll have to explain your answer to me a little bit. When you talk about "they", you're talking about supervisors?

A They expected us, the workers, and especially the black workers --.

Q Are you telling me that Mr. Malavesi then was sort of expecting you to do a lot of work because you were getting so



much money on a piecework basis?

A Right. He expected that, right.

Q Are you telling me that this was peculiar to Mr. Malavesi, or are you telling me it was something that you attribute to all of the foremen in your department?

A George Martinell -- but this was one thing that stuck in my mind when I first came in 1957. Gene D'Ammassa told me that -- I didn't see that in the appraisal thing, but I was going south on something; I was going to Virginia. And it seemed I was going quite often, and he made that statement one time; he said that, "You should work as often as you possibly can; you shouldn't be taking so much time off because I did you a favor to hire you." And that has been in my mind ever since '57. If he stayed there, I don't know what he would have been saying or what he would have done, anyhow.

Q This is Mr. D'Ammassa?

A The first one, right.

Q Well, we have quite a bit of ground to cover with the supervisors so let me try to do it one at a time. We were talking about Mr. Malavesi.

A But you were talking about different supervisors.

Q Oh, yes; I don't object to your giving me illustrations like that, but I want to talk about the individual guys until we finish them. Mr. Malavesi, you feel, had a predisposition

Q So it's hard to compare Mr. Long with these other people we've compared?

A I guess so, yes.

Q Did you have with Mr. D'Ammassa and then with Mr. Long any impression of being discriminated against because of being a black as distinct from being Hispanic or Caucasian?

A Like I said before about D'Ammassa, he made that statement about, he did me a favor by hiring me.

Q Well did that have racial overtones to you?

A Well, what's the sense of you asking the question?

Q He didn't make the statements to me, and I never met Mr. D'Ammassa. And I've got to know what conclusion you reached from the man's statement that you were indebted to him for his hiring you. Did he say you were indebted to him because you were black, or did he say you were indebted because he found you a job?

A Certain things, they don't have to spell out to you, you know that.

Q Is that what you spelled out from Mr. D'Ammassa's statement, that if you had been a white or Hispanic, he would not have made that statement to you?

A I don't think so.

Q When did you reach that conclusion?

A When he said it.

Q You felt that immediately at the time?



A I don't know about immediately, but after he said it. I don't know about immediately. Maybe I thought about it; maybe after I thought about it.

Q How did he say it to you; what was the context?

A It was 1957; I don't remember.

Q But you remember the statement?

A Right.

Q And that's all you remember about it, that statement?

A That's all I remember at that time. I don't remember how he said it or what tone or anything like that.

Q Did he do anything in the period of 1957 to 1959 and say things that he was prejudiced racially against you?

A Well, he used to tell the girls to give my work back. Because the first piece you do on a line, you're supposed to give it to -- to show the first piece to the girls. And if you forget to do that, he tell them to give you the whole job back. And a few little incidents -- I can't remember them all.

Q You were a new employee under Mr. D'Ammassa?

A Right.

Q And you had no previous experience?

A Right.

Q Isn't that rejection rate going to be higher when you're new on a job than it is later on when you have gained experience?

A Right, I understand that.

Q Do you feel that you were being singled out by Mr. D'Ammassa, or did he treat all you people in this way?

A I wasn't looking at other people; I was concerned with myself.

Q How many people were in the department when you were hired in the department?

A I don't know.

Q In 1957?

A I don't know.

Q What is your recollection of the number of blacks compared to the number of others in that department during these years?

A I was the only one then.

Q You were the only one?

A Right.

Q Is that what led to your conclusion that his remark was a racial remark, that you were the only black that had been hired in that department at that particular time?

A Well, that and maybe a few other things. Like I said, I don't remember; but there were a few other things that led me to believe that, too.

Q Of course, Raymond Jones and your brother, John, preceded you at Wallace; but they were not in your department?

A No.



Q I said, aside from this one remark of Mr. D'Ammassa, when did you reach a general conclusion in your mind that you were the victim of racial discrimination at Wallace?

A I don't remember.

Q You started to give me an answer a while ago when we were talking about Mr. Malavesi, and you talked about a change in the attitude of Wallace when Raymond Jones was fired.

A Yes.

Q Is that a significant occasion in your mind on racial discrimination at Wallace?

A In my mind, right.

Q Is that the key time that you developed a feeling that you were being discriminated against at Wallace?

A It wasn't the key time, no.

Q It was an experience that stands out in your memory, I take it, since you mentioned it?

A No, that don't mean that. See, going to Wallace, to me it tells me something. When I went there, I was the only black in my department; and since I been working there I haven't seen at one given time over fifteen, at one time. And I'm sure there's a whole lot of people have applied there -- black. So you know, like I told you before, you just know something; you don't have to be spelled out. You see them yourself.

Q Let's take that one statement at a time. First, I understand you're now telling me that the discharge of Raymond Jones was

not a turning point, in your mind, at Wallace, you don't regard that as a single traumatic experience at Wallace?

A Well, there's an experience along with a lot of other things, like I just finished saying. There's a lot of people -- even my wife, when she put an application in there twice --. And I think it was when Freddie Long was there. That was 1961; and that's something like fourteen years ago. And that her application never been called on. So like I said before, now it shows, you know -- you sit up there and ask me all those questions, and I'm trying to answer. But we not born yesterday, neither you nor I, you know.

Q In other words, you're not relating to situations at Wallace; you're relating to the whole United States?

A No, I'm talking about Wallace.

Q And you're telling me something about Mr. Long and 1961?

A Just during the time he was working there, and you got the date there.

Q 1961 to 1964.

A During that time my wife filed an application there.

Q Oh, you're using Mr. Long just as a point in time; you're not saying your wife applied to Mr. Long?

A No, because he's not a personnel supervisor.

Q Now, you're telling me that part of your impression of Wallace Silversmiths' discrimination against you is based upon



your wife having applied for a job at Wallace?

A That's just a small thing. You know, there's a number of things. Like I said before, I can't pull everything out of the sky that happened.

Q Well, I better explain to you at this point, Mr. Jones, that you brought a lawsuit against Wallace Silversmiths that made broad allegations.

A There's five other people.

Q This deposition may go four days instead of two, but we're going to get to the bottom of every single thing you can recall because when you get to trial, you're going to have to do that. So in many ways, this may help you. But we're going to explore it in depth. So you might as well sit here and do it.

A I'm not going no place.

Q Your wife applied to Wallace for a job?

A Right.

Q And that was, you think, sometime around --.

A Early '60's.

Q What sort of a job did she apply for?

A I don't remember, when she filed an application, what job she filed for.

Q And what happened to her job application?

A I don't work in the personnel office; how should I know what happened to the job application?

Q Well, I gather there's something that happened or didn't happen that makes you bring it up.

A Because you ask me why I feel this way and why I do this --.

Q That's right.

A -- and why I do that. And I'm trying to answer some of your questions.

Q You mentioned your wife's job application; something must have or must not have happened to that job application to make you feel it's important. What happened; was she hired?

A No.

Q Was she interviewed?

A No.

Q Did she do anything to follow up after she filed the job application?

A No, she put two applications since then.

Q I'm sorry.

A She filed two applications since then, since 1961.

Q She filed three job applications in all?

A Yes.

Q And what type of employment was she seeking?

A She didn't specify. I don't remember.

Q Well, I think you've told me, as I recall, that your has had some jobs; she was working in the Rehabilitation



Center in New Haven?

A Right.

Q And she's working now somewhere else?

A Right.

Q Where is that again?

A Echlin Manufacturing.

Q Now, was she seeking any particular type of job?

A No, she wasn't; no particular type, no.

Q And you say she filed the applications -- the first one, you think, was early 1960. When were the other two filed?

A I don't remember now.

Q Any of them recent?

A No, not recent.

Q Were they all recently as 1970, or were they all back in the early '60's?

A I'm not sure. I'm not sure. I think it was early '70 she filed another one.

Q Before she went to work in the Rehabilitation Center?

A No.

Q After she went to work in the Rehabilitation Center?

A It was early '70's. I don't remember where she was working at that time.

Q Well, I think you said she worked for the Rehabilitation Center for three and a half years?

A     Something like that.

Q So she would have had to file this application while she was working at the Rehabilitation Center?

A Or just after she left, something like that.

Q So you're telling me that there were three applications, and they were filed something like over a period of ten years?

A Right.

Q And she didn't indicate, as far as you can recall, any particular job that she was interested in?

A No.

Q And no action was ever taken on any of her three applications?

A No.

Q And did she tell you about this, that she had applied and no action was taken on them?

A No, she never said anything about it after.

Q When did you find out about it?

A About what?

Q About her having applied?

A I took her the applications.

Q You took her the applications, she filled them out, and you filed them?

A Right.

Q What did you do after you filed them?



A I didn't do anything.

Q You didn't even ask her whether she had had any calls for an interview at the plant, or anything like that?

A No, I don't remember, no. Because they was supposed to let me know if they had anything open.

Q Oh, you had an understanding with someone after you gave them this application for your wife that if there was an opening, they would let you know about it?

A Right.

Q And they didn't?

A No.

Q Did you go to anybody to complain?

A I don't remember. Not about my wife's.

Q Did you, as a matter of fact, have many dealings over the years with the Personnel Department at Wallace instead of going through your supervisor?

A I don't remember going -- dealing with the personnel directly, no.

Q Did anybody ever comment about you that you had a habit of going to the Personnel Department instead of through the supervisor?

A No, no one commented on that.

Q But in any event, you never made any complaints or inquiries to the Personnel Department about what had happened to

your wife's application?

A No, not that I know of. I don't remember.

Q You were unhappy, I take it, about the fact that they didn't follow through on her application?

A Well, I don't think I liked it, but she found another job.

Q Did she find another job shortly after she filed each application with Wallace?

A I don't remember that.

Q But in any event, you didn't follow up and complain to anybody at Wallace about these job applications from your wife?

A No.

Q What else do you want to tell me about that makes you feel that there was discrimination at Wallace that led to the filing of this complaint; what other specifics?

A It was two other girls that I came and talked to George about. Remember I came and talked to you about a job? I asked you about a couple of girls. I asked you about --.

Q Now, you're talking to Mr. Denya who, of course, can't respond because he's not being deposed.

Do you recall when you gave Mr. Denya these references?

A No.

Q Were applications filed with him?



racial discrimination against you by the company?

A No.

Q Now, again getting back to the company's treatment of you as an individual during your employment period, is there anything else you want to tell me about that has led you to a feeling that, as an individual, are being discriminated against by the company?

A Some guy came from Pennsylvania talking -- I don't know his name. I forget his name. But he asked me -- I was down in George's office. He called me in George's office one day about two years ago talking about what I would like to be and what I would -- you know, in the future, whether or not I wanted to be the boss or whether I wanted to take over my department and different things like that. And after that, he was saying there was an institution, a training program -- because of the fact if we went to a different place and figuring with the feeling of being discriminated against, anyway -- so they said they was setting up a training program to train people to do different jobs, which we have never seen yet. Now, they talked about that three, maybe two or three years ago.

Q Let me see if I understand this. You're telling me that some person come to the company and that he talked with you in Mr. Denya's office?

A Yes.

Q Were there other people present?

A No.

Q Just you?

A Right.

Q Did he talk about this course in terms of you or in terms of a lot of people at the company?

A He talked about me.

Q And what was your understanding; that he was offering you a chance to take such a course?

A No. To me, I got the impression that he wanted me to tell him something. That's the impression I got from him.

Q Tell him what?

A To tell him what goes on at the company, my feeling about the whole shop, about the whole factory and all. Because I don't think that no man from Lancaster -- he said he was from Lancaster --.

Q You're telling me about someone from the parent company of Wallace Silversmiths, which is HMW?

A Right.

Q And that was a man from the parent organization, and he was asking you questions about how you regarded your position at Wallace Silversmiths?

A Yes.

Q And what did you tell him?



A I don't remember what I said right now. I told him that I think -- I told him words like this. I said, Wallingford is a little, small town; there's not many people there. So Wallace came up from a family of people. So during that family -- out of that family group people in the area; that's all, just a particular area. So then when people worked there, started working there, they brought their families; like George, he got two brothers -- a brother and a sister. Then his family would bring another brother and a relative. It's brought the factory like that. So this was how black people came through, like that; who had a brother or sister, you know, way, way back. So Wallace maintained a thing of a little small -- like one red light thing, where all whites should have supposed to be working there, and it wasn't for all blacks. And that's what I drew from him. I couldn't see him coming from Lancaster calling me down to do me no favor.

Q Talking about Wallingford and Wallace and people who brought families in, was this something he was telling you?

A No, I was telling him.

Q And in what context were you telling this; what point were you leading up to, what point did you make to him about that?

A I told him that Wallace don't seem to ever be ready to accept blacks at the plant because they have never had no blacks in management at Wallace.

Q Were you making a distinction between Wallace hiring

people and Wallace promoting people?

A Hiring and promoting; the one who did the hiring did the promoting. And I don't seem to ever be ready for promoting because the training programs are supposed to be instituted like I said before. I never seen it yet.

Q How long ago was this that you talked to this man?

A Maybe last year, maybe a year and a half; I don't remember exactly when.

Q This was after you had brought a complaint to the Equal Employment Opportunity Commission?

A Yes.

Q Now, prior to the time that you brought a complaint to the Equal Employment Opportunity Commission, had you had any conversations like the one you defined with anybody else at Wallace or at the parent organization?

A No. I've talked to Gene Barber. I just hit on --.

Q Well, as a matter of fact, taking your own individual situation, certainly you were employed by Wallace within a week of the time you appeared on their doorstep, weren't you?

A Yes.

Q And your brother, John, was employed?

A Yes.

Q Raymond had been employed?

A Right.



you, "Did there come a time."

Q Stanley has testified that at some point, and I would like to establish the point in time if you recall it, the seven of you made a decision that, as Stanley put it, you would act together to the end. I am paraphrasing Stanley's testimony. Do you recall such a decision by the seven of you to act collectively as a group to the end?

A Right, yes.

Q Do you recall when that was made?

A No, I don't recall exactly when that was made, no.

Q All right. Did you share in that decision that you would act with this group to the end?

A Right.

Q What did you consider to be the end?

A What we're going through now, and it just goes on and continues to go on until we think we have satisfaction.

Q Now, if you, Charles Jones, were to leave Wallace Silversmiths and take employment with another company, would you continue to regard yourself committed to this group, or would that be the end of this effort from your standpoint?

A No, I would still continue to be with --.

Q With the group?

A With the group, right.

Q What then would your goal be as far as your own

participation in the group, if you were no longer employed at Wallace?

A My goal would still be the same, still trying to make sure that we follow this thing through, all the way through just the same.

Q And what would your goal be if you were no longer working at Wallace?

A What do you mean what my goal would be?

Q Well, let's withdraw that and let's take it this way then: Without getting into the actual details that I'll get into with you one by one, what are your overall goals right now as you are an employee of Wallace? What are your goals in this lawsuit?

A You mean what do I want out of it or what?

Q Yes. What are your present goals, individually what are your goals? What do you seek in the lawsuit?

A Better hiring practice, not to have discrimination.

Q Discrimination in what?

A In Wallace.

Q In what respect?

A At the hiring. And the way we're treated there, the way the blacks are treated.

Q When you are talking about discrimination, you are talking about discrimination against blacks?



A Right.

Q All right. And I take it then that you are telling me that if you were to leave Wallace for any reason for other employment, these would still be your goals but they would no longer apply to you as an individual?

A Right.

Q Now, have you left any instructions to anyone in the event of your death prior to the end of this litigation as to what should be done with your interest in the litigation?

A No.

Q Do you have any feeling about that? If you were to leave instructions, what would those instructions be?

A No, I don't talk about things like that.

Q So you haven't given any thought to what instructions you would leave?

A No.

Q Have you heard any discussions with the other six plaintiffs since you instituted this suit as to what their desires would be in the event of leaving Wallace for other employment?

A No, nobody but Stanley.

Q Has Stanley indicated, ever indicated to you one way or the other, his desires?

A Yes, he said he would go with us all the way.

Q What type of discrimination would you call that?

A I don't know what type you would call it. I couldn't say what you said it was. I don't agree with what you said.

Q You don't agree it is negative discrimination. You would call it positive discrimination?

A All right.

Q All right. Is there anything you would call negative discrimination?

A Well, I never looked at a thing as called negative discrimination. Discrimination is discrimination. You said negative. I never talked about negative.

Q So you would regard it as all being positive, affirmative discrimination, whether it was<sup>in</sup> the form of a denial of a promotional opportunity or a direct remark or somebody hitting you with a direct blow or something like that?

MISS WYNN: I object because it is still not coming through.

MR. EGINTON: I think I agree with you that it isn't.

Q I gather that to you discrimination is discrimination--.

A Right.

Q -- and we won't define it further. All right. Then I'd better ask you because you've had a long, long time to think about this, not just since you filed this complaint but going



way back to 1971, what specific examples that you have not already given us on your deposition would you testify to at trial, and I will tell you what you testified to so far. You testified to the tray-loading situation, the assignment of piecework, the attitudes of some of the supervisors. Now, beyond all those things, are there any other aspects at Wallace that you will testify to alleging discrimination at Wallace?

A The hiring.

Q Okay. I am going into detail on that and that will get us right into the thing. Now, are there any of the plaintiffs who are at Wallace now, or who have been at Wallace since Delton Jones was deceased, who were hired not as a result of your reference or recommendation?

A Yes.

Q Who?

A Otis and Stanley, I think.

Q All right.

A Paul also.

Q So you are telling me that the three Williams plaintiffs, Paul, Otis and Stanley, were hired by Wallace and had no connection with you in the aspect of their being hired by Wallace?

A No.

Q So that you were a reference for Delton Jones, James

A There was a Doreen Wilson and a Janice Wilson.

Q Are they related?

A No.

Q All right. Tell us about Doreen Wilson, whatever knowledge you have about her application to Wallace.

A I don't know of her application. I know that she wasn't hired because of some reason. I don't know the reason.

Q Well, your answer may get a little confusing on the record because first you say you don't know anything about her application. I take it you are aware, from what you are telling me, that she applied for employment at Wallace?

A Right.

Q So by your answer you mean you just don't know the details of her application?

A No.

Q Do you know when it was made?

A No, I don't.

Q How did you hear about it, from whom?

A Her brother-in-law.

Q Who is that?

A Otis.

Q All right. Otis Williams is the brother-in-law of Doreen Wilson?

A Yes, right.



Q So is it fair to sum up by saying that all of your information about this comes from Otis?

A I talked to George once about that too.

Q George Denya?

A Yes.

Q What did you say to George Denya and what did he say to you?

A I don't remember now. He gave me some answer. I don't remember what it was. Some negative attitude, the way I took it. He said that she wasn't qualified for something. She typed too slow or she didn't pass. It was something, as far as I was concerned, some negative thing.

Q Now, there's no possibility, I'm taking it, of your confusing between Doreen Wilson and Janice Wilson; you are sure it was Doreen you talked about to Mr. Denya?

A I think so, yes. I'm not positive. I'm pretty sure it was.

Q Do you have any recollection as to which came first in time -- Doreen or Janice?

A Janice, I think.

Q All right. Did you ever talk to Mr. Denya about Janice Wilson?

A No, I don't recall talking about that.

Q The best memory you have is that you talked to Mr.

Denya about Doreen Wilson --.

A Right.

Q -- who is Otis Williams' sister-in-law?

A Right.

Q Now, do you remember when you talked to Mr. Denya with reference to when you first found out about Doreen Wilson? Was it immediately thereafter?

A No, because I think she came twice. I think one time John came out there -- he was a personnel -- he was hiring there -- and he called her house for some reason to ask her to come in for some job or something.

Q Now, did you hear this from Otis?

A Right, Otis.

Q Okay. And then you're telling me that some time later you spoke to Mr. Denya?

A I think I talked to him before that, before that time.

Q In between the first time she applied and the second time she applied?

A No, in between the time that the guy called.

Q Well, it's getting confusing so why don't you give me the whole time sequence as you remember it, your part in it, what you heard and from whom? Just take the Doreen Wilson situation, as I assume you'll testify about it at trial, and just tell me what you're going to say from start to finish about your knowledge



of the Doreen Wilson application.

A I thought I just finished telling you that she came in and applied, and for some reason she was denied.

Q All right.

A And afterwards, Stanley and I went down to talk to George about it, and they gave us some negative reason for not hiring her.

Q All right. Your information was that she applied at some point to Wallace?

A Yes.

Q And how did you come to learn that -- from Otis?

A No, I don't think I learned that -- I think I saw her or her mother told me, or something like that.

Q Somebody else told you. How long ago was this?

A How long since this happened?

Q Yes, when it happened, right.

A Maybe two and a half years, maybe, something like that.

Q 1971 or somewhere in there?

A Yes.

Q And that was the first time you heard about her applying to Wallace?

A Yes.

Q And then sometime thereafter you and Stanley Williams spoke to George Denya?

practice?

A No.

Q Now, turning to the time period after Raymond's discharge, when you started to have these meetings and Stanley and Wilbert suggested this type of suit, what did they say? What was the nature of their comments?

A These fellows in here?

Q Stanley and Wilbert, I think you said --.

A Yes.

Q -- suggested this type of suit. Just tell me, as best you recall, what they said about the reasons for bringing this type of suit.

A Because they said that after all this time we should do something about it, not just let it ride, let it go on and on.

Q When they said you "should do something about it," did they specify what they meant by "it"?

A No.

Q I take it you understood what they meant by "it"?

A Right.

Q What was your understanding of what they meant?

A We should do something about the discrimination at Wallace.

Q And this discrimination was again in what areas?



A Well, it was mainly in the hiring in our department, 4817.

Q And for 4817, you have given me all of the examples you can of applicants not being hired whom you referred or knew about, and as I recall they were Doreen and Janice Wilson?

A That's all I recall.

Q And they weren't being considered by 4817, were they?

A What do you mean by "considered"?

Q Well, were you considering them as being possibilities for 4817?

A No.

Q All right. So are there any specifics you can give me about why you felt there was discrimination in hiring in 4817 as of this time you're talking about?

A I didn't say that discrimination was against 4817. I said discrimination was because of hiring and discrimination was in 4817. You asked me a question and I answered it just now.

Q I just want to make sure the record is quite clear as to what your answer means. You'd better spell that out a little bit more for me, I guess. Let's talk about the hiring first. What discrimination are you talking about in hiring?

A I said they discriminated in hiring and they discriminated in 4817.

Q Okay. I think I understand what you're getting at. You are saying hiring is not limited to 4817?

A Right.

Q What you are talking about in 4817 is assignment of work, isn't it?

A Not only that.

Q Tell me what else you are talking about in 4817.

A Well, our supervisors seemed to try to split -- that is going on now -- trying to split the people in the room, the Puerto Rican and the black. And all the other departments have a thing against us because, I don't know for what reason, I figure because you're black -- I think because we're black.

Q Well, all right. You have referred to a current situation so let's get into that. You are saying there is a current problem between Hispanics and the blacks in 4817?

A Right, that the supervisor calls it.

Q The supervisor being Cerato?

A No, Bandecchi. Whatever his title is, I don't know.

Q Hugo Bandecchi. How far back in time do you take this?

A Since he took the department over, about three years I figure. I don't know exactly when he took the department over. I estimate about three years.

Q Well, in August 1971 when you brought this complaint, was that an aspect that you all were considering in August '71?



A The aspect about the foreman?

Q This Bandecchi-Hispanic --.

A That wasn't the only aspect, no.

Q Let me make my question very short on this. I'm talking about Stanley's comments and Wilbert's comments which you understood -- you told me you understood what they were talking about, what it meant, and what it meant to you was two things: one was discrimination in hiring; and, two, discrimination in Department 4817, okay?

A Right.

Q Now, tell me what that was in 4817 as of August of 1971. What conditions were you talking about?

A You mean what happened why I said the discrimination was?

Q All right. Well, let's review what you said here. I asked you who talked about bringing this suit prior to August 20, 1971 when the letter was written, Exhibit N, and you told me basically Stanley and Wilbert.

A Yes.

Q And you said they talked about doing something to correct it. I asked you what " " was and you said it was the pattern of discrimination at Wallace in two areas. You said the areas were hiring overall and 4817. Now I am asking you what you understood they were talking about, about 4817, as of August



1971. What were the conditions you understood they were talking about in 4817 that had to be corrected through this litigation?

A The jobs given out. They never had no blacks on no kind of these committee things, the committee like the AA and Safety, and all this sort of thing and stuff like that.

Q I'm sorry, this is a new one to me so you'd better spell out what kind of committees you're talking about.

A The committees at Wallace.

Q Well, tell me what they are. You're telling me something I haven't heard before.

A The Athletic Association, the Safety thing, the Credit Union. Where they wanted to start us, on United Fund.

Q All right. Did you object to people in authority at Wallace about that, about not being assigned to these committees?

A We discussed it among ourselves, why we were never considered for these different opportunities.

Q I understand that. That's part of what you're telling me you discussed before you wrote this letter. Did you complain about it to anybody in authority at Wallace?

A No, I don't think so.

Q Why not, if you can tell me, why not? In your case, I don't want you tell me why others didn't complain, but why didn't you complain?

A At that time I don't know, I don't have no real reason



why I didn't complain. I don't know why.

Q What else in 4817 were the seven of you concerned about as you wrote this letter in August 1971?

A Well, when we used the telephone, they made direct accusations at us using the telephone because of the length of time we used it. We had to walk downstairs to use the telephone, and they made accusations about when we get calls in from the outside that we couldn't talk. If you called in to Wallace now they would say take the number and you'd call back, if they didn't feel you were important. But other people could take direct calls.

Q Who were the other people in 4817 who could take direct calls?

A Well, I don't know the exact names but there were other people that could take it.

Q Well, did you observe this?

A Some of it, yes.

Q Well, whom do you recall seeing taking direct calls?

A Oh, one was Rose Stupski.

Q She was not on a Tripoli machine, was she?

A No.

Q Do you recall any operators on Tripoli machines being allowed to take direct calls?

A You asked me who was in that department and I told you

who was in that department.

Q I understand. Now I'm asking if you recall any operators on Tripoli machines being allowed to take direct calls.

A Albert Altieri.

Q He was allowed to take direct calls?

A Yes.

Q And Albert was leadman, was he not?

A No, he was no leadman.

Q He was not?

A No.

Q What was he at the time that you're talking about?

A Shop steward.

Q All right. Any others on the Tripoli machines besides Albert Altieri who were permitted to take direct calls?

A I can't think of nobody's names right now.

Q All right. Any other complaints about 4817 that you all were considering as you wrote this August 1971 letter?

A I told you about the telephones.

Q Yes. I say anything else besides what you've already told me. Everything you can remember.

A I said we couldn't go downstairs. They made accusations about us going downstairs and using the telephone because we spent too much time on the telephone.



We don't get hired by no Puerto Rican.

Q But I asked whether, in your judgment, Mr. Denya, who sits here, who is in the Personnel Department of Wallace Silver-smiths, should lower employment standards for blacks as opposed to whites in interviewing them, and you said no, you felt standards should be the same. Now, do you feel differently about Hispanics, that Mr. Denya should lower or should raise the standards?

A The same.

Q Now, can you tell me, if you know, or if you have any opinion, as to what techniques or devices you feel Wallace uses to discriminate against black persons, as you've alleged in the complaint?

A I don't know what devices they use, no. They're good.

Q Because of the results you can see them?

A What?

Q You say they're good because of the results?

A Right.

Q Now, in paragraph 23 it alleges that "Plaintiffs and members of their class have suffered great financial loss...." Now, I can only ask you about yourself. What great financial loss do you feel that you've suffered, if any, as a result of discrimination at the hands of Wallace?

A Giving out piece rate. I don't think I was given out

-- I think bad distribution of the work was given so that may mean you lose money over the years.

Q Did that vary under different supervisors?

A Under different supervisors.

Q Have you attempted to make any computation of what you feel you've suffered by reason of that?

A Explain that a little better now. Will you break that down?

Q Can you tell me how much money you feel you've lost as a result of that?

A No, I can't tell you exactly how much money, no.

Q Would you think about that? Because I think what I'm going to do is serve a set of interrogatories to each of you asking you please to detail for me what specific money loss you feel you've suffered. I understand what you've told me. I know you want to put a dollar sign on that, so all you have to do is go back and review the performance of each supervisor in relation to you and see what you think you've suffered so we know what you mean in your case by great financial loss.

Now, what does this "continuing badge of slavery" mean to you? I understand probably it isn't your language, is it -- or is it?

A I didn't write it, you mean?

Q I don't know. Is it your term?



A I don't remember telling her that but it's simple to me. It's simple to you. I have to answer the question. Anyway, the same thing that's been going on all the time, going on with the black people -- I'll put it that way -- since slavery time. Do you know what slavery is?

Q Now, you're not limiting that, as I understand it then, to Wallace. You're saying in essence what Stanley<sup>said</sup> to me and what a couple of the others said to me, that this is something you've lived with all your life?

A Right, and Wallace is not doing any justice by it.

Q And the basis of that is what -- purely on the statistics or is there something specific beyond the statistics you want to give us for that conclusion?

A For what, the "badge of slavery"?

Q Yes.

A No. I'm answering what I said.

Q Whatever you've said in your deposition, that's what it ends up to, "continuing badge of slavery"?

A Yes.

Q Now, what are you seeking in this lawsuit with reference to paragraphs 1, 2, 3, 4 and 5? Are you seeking all of them?

A All of them, right.

Q If the court should force you to make a choice between 1 and 2 on one hand and 3 and 4 on the other, which would you

take?

A On the first one.

Q 1 and 2?

A Yes, 1 and 2.

Q And I take it from the answer you gave me before that you can't tell me exactly how much of that \$300,000 you ascribe to your own loss of money as a result of the discrimination?

A I can't give you that.

Q I'm going to ask you about that in interrogatories, but Miss Wynn can talk to you about that.

MR. EGINTON: Off the record.

(Discussion off the record.)

MR. EGINTON: Okay, thank you.

(The deposition was adjourned at 4:00 PM.)

\_\_\_\_\_  
CHARLES LINWOOD JONES

Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 1975.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_.



seven of you wrote this letter at Wallace?

A My best recollection, right.

Q Have you discussed this with any of the other plaintiffs since November 7, 1974?

A Have I discussed what?

Q The circumstances of writing Exhibit N.

A I didn't discuss it.

Q So you're giving me your own best recollection?

A Right.

Q And your best recollection is that you wrote, you and the others, wrote this letter at Wallace?

A Right.

Q Okay. What time of day?

A I don't remember what time of day.

Q Well, was it during the normal hours you would be at Wallace?

A Right. It was at Wallace.

Q All right. Which means it was some time during the day?

A Right, sometime during the day.

Q And this writing -- there's been testimony about this-- this is Stanley's writing, is it not?

A I think so, yes.

Q Yes, Stanley has said it's his writing. Did you contribute anything to the language here?

A No.

Q All right. Is it Stanley's -- or do you recall who else contributed besides Stanley?

A I don't know who else.

Q You can't recall?

A No.

Q Did Stanley read it to all of you or did you read it yourself before --.

A Read it myself.

Q Now, I realize, sir, that this is not your language, is but/there anything in this document that you would not adopt as being your own expression?

A No.

Q You would adopt all of it?

A As being not mine or --.

Q Well, you didn't write this?

A No.

Q Stanley wrote it, right? Is there anything in here that you would not have written if you had written it instead of Stanley?

A No.

Q You accept it all?



## PERSONNEL

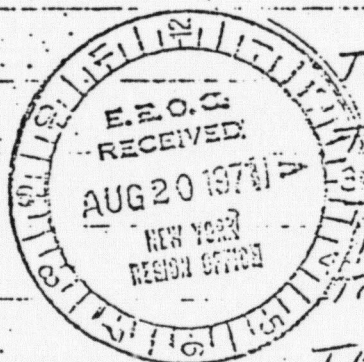
JUL 17 1974

Rec'd from George Nichols

Mr. Commissioner:

If I may, I'll begin by stating I'm employed by  
Shelton Silvermith, which is located in Wallingford  
Connecticut. I would like to address this letter to you  
in behalf of a situation here that concern all black employees here.

Collectively, we are totally convinced that the personnel  
department of Shelton Silvermith are discriminating in its hiring  
practices against blacks. Through observation, we are convinced that  
there is discrimination here, and we also have factual evidence to  
prove it. If possible, we would appreciate some assistance from  
one of your representatives in this area to conduct a complete  
investigation of the existing personnel department of Shelton  
Silvermith. You may contact me at 83 Haven Lane, Hamden,  
Connecticut phone (203) 48-9894. ← No. = published number



T302-0213

T302-0214

T302-0215

T302-0216

T302-0217

T302-0218

T302-0219

Thank you

Stanley Williams

Charles Jones

Wilbert W. Drayton

Otha J. Williams

Delton Jones

Paul Williams

James Higgins

FILED

Nov 11 11 13 AM '76

U.S. DISTRICT COURT  
NEW HAVEN, CONN.

## UNITED STATES DISTRICT COURT

## DISTRICT OF CONNECTICUT

STANLEY WILLIAMS, ET AL :  
V. : CIVIL NO. N-74-125  
WALLACE SILVERSMITHS, INC. :

RULING ON MOTION FOR  
CLASS ACTION CERTIFICATION

This action, brought under Title VII of the Civil Rights Act of 1964 and 42 U.S.C.A. § 1981, alleges that the defendant discriminated against the named plaintiffs and those similarly situated on the ground of race in employment, in that its policies of recruiting, hiring, training, assigning, transferring, promoting, compensating and terminating employees deny the plaintiffs equal employment opportunity and deny them the same rights enjoyed by White citizens. Plaintiffs have moved to certify a class consisting of all Black persons currently employed by defendant; all Black persons employed by the defendant since July 2, 1965, but not currently so employed; all Black persons who will be employed by the defendant in the future; all Black persons who applied for employment with the defendant on or after July 2, 1965, but were denied employment; and all Black persons deterred or prevented from applying for employment with the defendant because of the defendant's failure to recruit or hire Black persons. They suggest the following designation of subclasses:



-2-

Subclass 1 -- all black persons who were deterred from applying for employment with the defendant from July 2, 1965 to the present or who will be so deterred by the defendant in the future as a result of defendant's reputed discriminatory hiring practices.

Subclass 2 -- all black persons who applied and were qualified for employment with the defendant from July 2, 1965 to the present but were refused employment as a result of defendant's allegedly discriminatory hiring practices.

Subclass 3 -- all black persons employed by the defendant since July 2, 1965, whether or not currently so employed, who have been or will be denied promotions, had received, are receiving or who will in the future receive job assignments, job training or the lack thereof, compensation or the lack thereof, or have been denied or will be denied apprenticeships or were, are or will be discouraged from applying for apprenticeships or who have been, are now, or will be otherwise affected by the allegedly discriminatory employment practices of defendant.

Subclass 4 -- all black persons employed by the defendant since July 2, 1965 who were discharged or will be discharged as a result, directly or indirectly, of defendant's allegedly discriminatory employment practices.

The defendant objects to the motion for class certification on numerous grounds.

Rule 23 of the Federal Rules of Civil Procedure sets forth the standards to be used in determining whether a case should be tried as a class action. The pertinent portions of this rule are set out in the margin.<sup>1/</sup> The requirements of Rule 23(a) have unhappily come to be known as numerosity, commonality, typicality, and adequacy of representation. Defendant challenges the appropriateness of class

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action certification for failure to satisfy each of these criteria. Consideration of numerosity of the class and of the Rule 23(b) requirements will be deferred until after consideration of the outer limits of the class these plaintiffs are competent to represent by virtue of their showing as to commonality, typicality, and adequacy of representation. While the named plaintiffs may meet these requirements with respect to certain subclasses, they do not appear to meet them with respect to others.

Five of the seven named plaintiffs are currently employed by the defendant. The sixth is a former employee who left voluntarily, and the seventh is the widow of a deceased employee. Defendant argues that because all the named plaintiffs (or plaintiff's decedent in the case of the widow plaintiff) are or have been employed by Wallace, it would be inappropriate to include in the class any persons who have never been employed by Wallace, and thus persons who have been or will be deterred from applying for employment, persons who were denied employment, and future employees are beyond the proper scope of the class. Further, since none of the named plaintiffs has ever been discharged, the class should not include persons who have been or will be discharged from Wallace. Defendant asserts that the named plaintiffs can represent, if at all, a class limited to current and voluntarily separated employees, since as to any other class members the requirements of Rule 23(a)(2), (3), and (4) are not met.<sup>2/</sup>



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The defendant's contentions are persuasive as to some of the subclasses. Except for the common factor of race, there is no area of overlap between the claims that the named plaintiffs can assert as individuals and the claims of persons who were denied employment or deterred from applying for employment. The latter subclasses would wish to challenge hiring policy and practice, but since every named plaintiff was hired by the defendant, no named plaintiff has a hiring grievance of his own. The plaintiff's own claims relate to their conditions of employment, including training, assignment, transfer, promotion, compensation, and termination. None of the members of the subclasses of persons denied employment or deterred from applying for employment shares these grievances with the named plaintiffs. The interests that plaintiffs assert they have in insuring a nondiscriminatory hiring policy -- eradicating the badge of slavery that results from racist employment practices, ending their own isolation at the company, and eliminating the defendant's reputation as a discriminatory employer -- are too general in nature to make them adequate representatives of a class of persons with whom they have no category of grievance in common.

Since the claims of the named plaintiffs do not have the requisite commonality or typicality with the claims of the subclasses of persons denied employment and deterred from seeking employment, and since the named plaintiffs are not proper representatives of these subclasses, the putative class



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cannot include persons denied employment and deterred from seeking employment. Numerous other courts have adopted this approach.<sup>3/</sup>

As to the named plaintiffs' ability to represent discharged persons, two factors not present in the case of the persons denied employment or deterred from seeking employment are relevant. First, during the period when the discharged persons were actually employed, they would have been subject to the same allegedly discriminatory policies of training, assignment, apprenticeships, transfers, promotion, and compensation that have been affecting the named plaintiffs. Thus the named plaintiffs are competent to represent them with regard to these conditions of employment. The second factor is that if discriminatory discharge policies do in fact exist, the named plaintiffs could conceivably be in jeopardy of becoming victims of these policies. Plaintiffs have a sufficient stake in eliminating any such policies and sufficient identity of interest with any previous victims to make them appropriate representatives. Whatever proof problems there may be in determining whether the actual cause of any given discharge was a policy of race discrimination are not before the Court at this stage.

There appears to be no basis for including in the class the as yet unknown persons who may be employed by the defendant, or denied employment, or deterred from seeking employment in the future. Any declaratory or injunctive relief that may be entered will redound to the benefit of



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these persons in any event, but certainly no monetary relief can be awarded to them for discrimination not yet inflicted. Many recent cases have declined to include such future employees in a Title VII class.<sup>4/</sup>

The exclusion of persons denied employment or deterred from seeking employment and persons who will be employed or denied or deterred in the future limits the putative class to the defendant's current and former Black employees. Once these limits are fixed, a serious numerosity problem becomes apparent. There are only five current Black employees, all of whom are named plaintiffs. While plaintiffs' counsel represents that several other Black persons have recently been hired and that approximately 10 Black persons who worked for a now defunct subsidiary may be eligible for inclusion, there is no indication that the increase is sufficient to meet the numerosity requirement. There are only 22 former Black employees.<sup>5/</sup> Neither the five and 22 taken separately, nor the 27 taken together, nor the 27 with the possible addition of the subsidiary's employees, make up a class sufficiently numerous that joinder would be impracticable, even if allowance is made for moderate growth of the class due to recent hiring.

Since certification must be denied on numerosity grounds, there is no reason to consider whether the requirements of Rule 23(b)(2) or (3) have been met. There is likewise no need to consider the defendant's other arguments relating to the existence vel non of discrimination against the named plaintiffs.

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The motion for class action certification is denied. Defendant's renewed motion to dismiss is likewise denied, since the matters raised by that motion have been disposed of by the class action motion.

Dated at Hartford, Connecticut, this 11 day of November, 1976.

Jon O. Newman  
Jon O. Newman  
United States District Judge



FOOTNOTES

1/ (a) Prerequisites to Class Action. One or more members of a class may sue or be sued as representative parties on behalf of all only if (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

(b) Class Actions Maintainable. An action may be maintained as a class action if the prerequisites of subdivision (a) are satisfied, and in addition:

\* \* \* \* \*

(2) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(3) the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include: (A) the interest of members of the class in individually controlling the prosecution or defense of separate actions; (B) the extent and nature of any litigation concerning the controversy already commenced by or against members of the class; (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; (D) the difficulties likely to be encountered in the management of a class action.

2/ Defendant's other claims need not be considered at this time.

3/ See, e.g., E.E.O.C. v. Detroit Edison Co., 515 F.2d 301 (6th Cir. 1975); Castro v. Spencer, 459 F.2d 725 (1st Cir. 1972); Jones v. Holy Cross Hospital Silver Spring, Inc., 64 F.R.D. 535 (D. Md. 1974); Matson v. New Orleans, 12 F.S.P. Cases 1625 (E.D. La. 1974); Freeman v. Motor Convoy, Inc., 8 E.P.D. ¶ 9798 (N.D. Ga. 1974); Richmond Black Police Officers Assn. v. Richmond, 386 F. Supp. 151 (E.D. Va. 1974).

4/ See, e.g., Jones v. Holy Cross Hospital Silver Spring, Inc., supra; Freeman v. Motor Convoy, Inc., supra; Harvey v. Stein Printing Co., 19 F.R. Serv. 2d 1072 (N.D. Ga. 1973); Gerstle v. Continental Airlines, Inc., 50 F.R.D. 213 (D. Colo. 1970). In the Harvey case the Court noted that if future Black employees were included in the class, "then an unfavorable disposition of the litigation would bind them and prevent redress of discrimination not yet inflicted. If they are not includable, however, injunctive relief, if granted, would inure to their benefit." 19 F.R. Serv. 2d at 1073.

5/ The parties have not fully briefed the question of the cutoff dates for consideration of the Title VII and § 1981 claims of class members. The parties do not seem to dispute that 22 is the maximum number of former employees who can be considered under whatever statute of limitations may be applied, unless the 10 employees of the former subsidiary are added.